

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6774**

**BILL NUMBER:** SB 188

**NOTE PREPARED:** Jan 24, 2008

**BILL AMENDED:**

**SUBJECT:** Recovery for Restraint of Trade.

**FIRST AUTHOR:** Sen. Ford

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State

**Summary of Legislation:** This bill authorizes the Attorney General to bring suit on behalf of the state or a political subdivision to recover for injuries or damages suffered directly or indirectly as a result of certain unlawful acts in restraint of trade. The bill provides that a prevailing plaintiff is also entitled to treble damages and reasonable costs and attorney's fees.

**Effective Date:** July 1, 2008.

**Explanation of State Expenditures:** This bill will increase the administrative costs of the Attorney General (AG). The bill authorizes the AG to bring suit on behalf of a state or political subdivision to recover for injuries or damages suffered directly or indirectly as a result of certain unlawful acts in restraint of trade. The increase in administrative costs will ultimately depend on the number of suits brought by the AG. It is estimated that any increase in costs to the AG could be offset by the ability for a successful plaintiff to recover attorney's fees under the bill.

**Explanation of State Revenues:** The bill provides that a successful plaintiff is entitled to recover threefold the damages awarded in an action for restraint of trade. If a political subdivision or the state is awarded damages under this provision, those damages would be deposited in the state General Fund since the statute does not provide a specific fund for deposit of these damages (IC 4-8.1-1-3). The amount of any damages deposited in the state General Fund is indeterminable, and will ultimately depend upon the amount awarded to the state or a political subdivision in an action for restraint of trade.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Attorney General.

**Local Agencies Affected:**

**Information Sources:**

**Fiscal Analyst:** Adam Brown, 317-232-9854.